

REMARKS / ARGUMENTS

**A. Pending claims.**

Claims 1-23 are pending in this application. Claims 1 and 8 have been amended.

**B. Obviousness Rejections.**

Claims 1-23 of the present invention have been rejected under 35 U.S.C. §103(a) as being unpatentable over Chen, "SP-to-SP Service Ordering Specification and Its Implementation" (herein, Chen) in view of U.S. Patent 5,847,751 issued to Safadi (herein, "Safadi").

To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. MPEP. §2142 (8<sup>th</sup> Ed., Rev. 1). The references and the applicant's disclosure must be considered as a whole. MPEP §2142.02 (8<sup>th</sup> Ed., Rev. 1).

Applicant has previously argued that the cited references do not make out a prima facie case of obviousness. (See, Response to the Office Action of March 13, 2003, filed September 12, 2003.) The examiner has again cited Chen and Safadi and expressed the view that a prima facie case of obviousness has been made. Applicant respectfully disagrees with the examiner on the teachings of Chen.

The examiner admonished Applicant to consider the references together as a whole. Applicant submits that if the references are considered as a whole for what they teach, claims 1-23 are still allowable over the cited references.

In order to appreciate the teachings of Chen and the present invention, it is important to establish what the reference (as a whole) teaches. Chen sets forth a business processes for dealing with major telecommunications management network (TMN) service manage functions, describes the objects of an interface for communicating and performing service provider

transactions, and provides a proof concept implementation of the ordering process to demonstrate the veracity of the described interface. The transactional nature of the process is clearly evident in the requirements set forth by the authors (page 81, Figure 1), the ordering scenario depicted (page 81-82, Figure 2), the service interface interactions (page 84, Figures 4 and 5), and the message diagram of Figure A (page 85). Chen focuses on the interface because "how an ordering request is processed internally should not be made visible at the interface level." Chen, page 84, lines 7-8. This is because there may be processing systems in place and that it is not "practical to require all the existing systems to conform to a standardized internal behaviour." Chen, page 85, lines 3-5.

The application of Chen to the claimed inventions of the present application represents the imposition of the transactional interface attributes taught by Chen to the internal processes taught by Applicant.

At the outset, Chen by its own terms is directed to "a set of basic business processes" (page 80, lines 1-2) based on the design principle of encouraging "internet working between different SPs, and avoid[ing] over-specifying internal system behaviors." (page 85, lines 6-7). Chen recognized that many objects might be involved in the SP-to-SP ordering process, but limited the disclosure to the interface objects required for service ordering (page 82, lines 29-30). Chen does not enable the claimed inventions of Applicant since by their own words Chen et al. intended otherwise.

When applying a reference to the pending claims of an application, the pending claims must be "given their broadest reasonable interpretation consistent with the specification" *In re Hyatt*, 211 F.3d 1367, 1372, 54 USPQ2d 1664, 1667 (Fed. Cir. 2000). In *In re Morris*, 127 F.3d 1048, 1054-55, 44 USPQ2d 1023, 1027-28 (Fed. Cir. 1997), the court held that the "PTO applies to verbiage of the proposed claims the broadest reasonable meaning of the words in their ordinary usage as they would be understood by one of ordinary skill in the art, taking into account whatever enlightenment by way of definitions or otherwise that may be afforded by the written description contained in applicant's specification." The broadest reasonable interpretation of the claims must also be consistent with the interpretation that those skilled in the art would reach. *In re Cortright*, 165 F.3d 1353, 1359, 49 USPQ2d 1464, 1468 (Fed. Cir. 1999).

See, MPEP §2111 (8<sup>th</sup> Ed., Rev. 1). Applicant submits if the pending claims of the present application are examined with full appreciation of the meaning ascribed to the terms used in the claims by the specification (and not the meaning given to those terms by Chen), it will become clear that Chen does not teach the limitations of the pending claims.

Applicant further contends that the inferences gleaned by the examiner from the Chen reference are the product of hindsight and that the inferences would not have been available to one skilled in the art at the time Applicant's invention was conceived. Applicant reiterates that the motivation to combine Chen and Fasadi cannot be found in the references themselves, but is inspired by the teaching of Applicant's disclosure. The courts have recognized that such hindsight is not permissible:

"It is difficult but necessary that the decisionmaker forget what he or she has been taught . . . about the claimed invention and cast the mind back to the time the invention was made (often as here many years), to occupy the mind of one skilled in the art who is presented only with the references, and who is normally guided by the then-accepted wisdom in the art." W.L. Gore & Associates, Inc. v. Garlock, Inc., 721 F.2d 1540, 220 USPQ 303, 313 (Fed. Cir. 1983), cert. denied, 469 U.S. 851 (1984).

See, MPEP §2141 III (8<sup>th</sup> Ed., Rev. 1).

**C. Claim 1 - Pre-order Management Component Limitation**

Claim 1 of the present invention recites the following limitation (a letter in brackets corresponding to the examiner's notation has been added for ease of reference):

[C] a pre-order management component comprising instructions for retrieving customer service records from telecommunication service providers and parsing said customer service records into reports containing equivalent ICP services;

The examiner found that Chen taught this limitation. However, a closer examination of the Chen reference demonstrates that support in Chen for this finding is lacking. The references cited are set forth below:

Citation:	Text from Chen at citation:
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Page 82, lines 19-22	Interface objects are defined for the pre-ordering phase and the ordering phase. The interface operations for the pre-ordering phase provide operations for an MSP to make pre-order requests for services. While the interface operations for the ordering phase provide operations for an MSP to make service orders. The interface can also be used by the MSP to query the status of both the pre-order requests and the service ordering requests.
Page 83, lines 10-11	[A Service Provider (SP) Class]. It supports functions including making a pre-order request, issuing a service order, etc.
Page 83, lines 18-20	A Request for Service Class-which represents a pre-order request issued by an MSP to an SSP.  A Service Offer class-which represents a service offer made by an SSP to an MSP in response to the MSP's pre-order request.  A Service Order class-which represents a service order made by a customer (MSP).
page 88, lines 15-17	When messages and data from the client are received by the SPC, the SPC delegates to the various internal sub-processes. The workflow diagram is updated by the SPC at different stages to highlight the ordering life-cycle for a particular client.
page 81, lines 1-3	Service Ordering Requirements  Three relationships exist in the interaction between customer and suppliers:  The customer to service provider relationship.
page 83, line 17	An Account class-which represents an account created by the SP for billing purposes.

What Chen is describing by these references are interface objects for an ordering system. Chen is not describing software modules that speak to the interface objects. Chen is silent as to how the information that is exchanged over the interface is processed. To "infer" a program module from an interface object is to extend the disclosure beyond its own terms.

The further inference that the references, combined with Figure 6, read on the limitation of a customer service record is similarly unsupported by disclosure of Chen. Figure 6 illustrates an ordering scenario, not a system component. Applicant acknowledges that in any ordering process a record will be created and associated with a customer. The inference that the record of Figure 6 is the customer service record of claim 1 is unsupported by any reference to such a

record in Figure 3 (Interface Object Model for Service Ordering) and Figure 5 (Service Order Request).

The Message Diagram (Figure A) refers to a customer profile coming from a service provider. While Applicant disagrees that the customer profile represents customer service record, it is clear from Figure A (see first arrow) that this information is obtained after the pre-order request has been made (see first arrow, Figure A). In the claimed limitation, the customer service record is obtained "pre-order" and parsed. The significance of this order is that the customer service information is used to prepare the proposal to a customer that is competitive. This element is clearly lacking in the Chen disclosure.

The examiner found that Chen disclosed parsing of customer information. This conclusion is based on the reference to "sub-processing" on page 88 and to "billing" on page 83. On page 88 at lines 15-18, Chen discusses how messages and data received from "clients" are "delegated" to various "internal sub-processes." (The client referred to is the SP client interface object illustrated in Figure 8.) The sub-processing referred to on page 88 is not about parsing a customer service record for marketing information, but refers to the nature of how messages are internally routed within the SP server architecture (Figure 8). Additionally, the extrapolation from a billing reference to the parsing element of the claimed limitation is not supported by the Chen disclosure. While billing can be achieved by line items, Chen does not disclose the line items used. More importantly, billing is an after-the-fact process, which is not the limitation recited in the claimed invention. Chen simply does not disclose instructions for a service provider to retrieve a customer service record from another service provider, parse that report prior receipt of an actual order into reports relating to equivalent ICP services. Reading the Chen reference as a whole, as urged by the examiner, Chen teaches an interface for a conducting a transaction. Chen, by its own admission, is not concerned with pre-transaction sales and marketing decisions. It is not appropriate, therefore, to map the meaning of terms used in Chen to the same terms used in the pending claims. See, MPEP §2111 (8<sup>th</sup> Ed., Rev. 1).

As the combination of Chen and Sadafi does not teach the limitation, "a pre-order management component comprising instructions for retrieving customer service records from telecommunication service providers and parsing said customer service records into reports

containing equivalent ICP services,” of claim 1, claim 1 comprises a limitation not taught by the combination of Chen and Safadi. For this reason, a prima facie case of obviousness has not been established with respect to claim 1 and claim 1 patentable over Chen in view of Safadi.

**D. Claim 1 - Service Management Component Limitation**

Claim 1 of the present invention recites the following limitation (letters in brackets corresponding to the examiner’s notation have been added for ease of reference):

- [E] a service management component comprising instructions for creating and tracking work plans;
- [F] wherein said work plans comprise a work activity event for performing installation or troubleshooting of each sub-model component of a telecommunications service provided by the ICP to a customer;

The examiner found that Chen taught this limitation. However, a closer examination of the Chen reference demonstrates that support in Chen for this finding is lacking. The references cited are set forth below:

Citation:	Text from Chen at citation:
Page 83, lines 1-23	[Whole page - not excerpted]
Page 86, lines 8-10	The implementation is based on Java. The implementation supports the following functional components: <ul style="list-style-type: none"><li>• Service negotiation and service options</li><li>• Creation of Service Level Agreements (SLA)</li></ul>
Page 82, lines 19-22	Interface objects are defined for the pre-ordering phase and the ordering phase. The interface operations for the pre-ordering phase provide operations for an MSP to make pre-order requests for services. While the interface operations for the ordering phase provide operations for an MSP to make service orders. The interface can also be used by the MSP to query the status of both the pre-order requests and the service ordering requests.
page 86, line 3	[The message diagram is closely] related to the object life-cycle, i.e., the message diagram triggers the creation/deletion of the objects and the change of [states of the objects].
page 87, line 3	Workflow is shown here to illustrate the monitoring of stages associated with the service provisioning process.
page 81, line 14	Support for pre-order requests-a pre-order request allows the service provider to plan for the service and network [resource requirements and

	to issue a proposal to the customer.]
page 80, lines 1-3	Abstract: Network Management Forum (NMF) has defined a set of basic business processes dealing with major TMN service management functions such as performance management, fault management, billing and service provisioning.
page 87, lines 9-10	At the C-SP interface we have a complicated package of services (e.g., including Voice, data, web, etc) whereas at the SP-SP interfaces we will see generic simple services (such as leased lines, VCs, etc;).
Page 82, Figure 2 and lines 7-14	Not excerpted.

The examiner determined from these excerpts that Chen disclosed a service management component comprising instructions for creating and tracking work plans. A work plan comprises a work activity event for performing installation or troubleshooting of each submodel component of a telecommunications service provided to a customer. Again, the examiner is inferring the teaching of the elements of this limitation from excerpts from Chen. However, it is not appropriate to ignore the context of in which these excerpts appear. The limitation of the present invention is directed to creating "work plans," a phrase given meaning in the claim itself. Chen does not disclose a work plan as used in the present invention. The cited language of Chen on page 80, lines 1-3 does not define a "work plan" but represents a list of business processes, including fault management and service provisioning. This is a statement that such processes are desirable and nothing more. The statement does not enable the practice of such processes in any way. Further, the language at page 87, line 9-10 (cited in support of a teaching of a "work activity") merely describes the communications that occur at the interface boundary proposed by Chen. The reference at page 82, lines 7-14 and Figure 2 (cited in support of a teaching of sub-components of services) describe the relationships of the various service providers and does not speak to the "sub-model component of a telecommunications service provided by the ICP to a customer." This is made clear by the statement at page 82, lines 4-6 which establishes the context for Figure 2 and the remaining text on that page:

From the customer point of view, the customer is ordering services from only one service provider, the main service provider, the involvement of other service providers should be made transparent to the customer. The relationship between the different actors in the service ordering process is depicted in the following

Figure:

To “infer” from these excerpts that Chen teaches a service management component that creates and tracks “work plans” as used in the present invention is to ignore the clear context of the excerpts and the teachings of Chen as a whole.

As the combination of Chen and Sadafi does not teach the limitation, “a service management component comprising instructions for creating and tracking work plans; wherein said work plans comprise a work activity event for performing installation or troubleshooting of each sub-model component of a telecommunications service provided by the ICP to a customer,” claim 1 comprises a limitation not taught by the combination of Chen and Safadi. For this reason, a prima facie case of obviousness has not been established with respect to claim 1 and claim 1 is therefore patentable over Chen in view of Safadi.

**E. Claim 1 - Circuit Management Component Limitation**

Claim 1 of the present invention recites the following limitation (letters in brackets corresponding to the examiner’s notation have been added for ease of reference):

[G] a circuit management component comprising instructions for creating a hierarchal list comprising ICP on-net circuit assignments and off-net circuit assignments;

[H] wherein said circuit management component further comprises instructions for creating a cutover work plan;

[I] wherein said circuit management component further comprises an automatic means of receiving requests from trading partners of the ICP;

[J] wherein said requests from trading partners are either rejected or inserted into said hierarchal list;

The examiner found that Chen taught this limitation. However, a closer examination of the Chen reference demonstrates that support in Chen for this finding is lacking. The references cited are set forth below:

Citation:	Text from Chen at citation:
page 80, lines 1-2	Abstract: Network Management Forum (NMF) has defined a set of basic business processes dealing with major TMN service management functions such as performance [management, fault management, billing



	and service provisioning.]
Page 87, line 13	[Thus the strategy to treat the] customer-SP relationship as an instance of SP-to-SP relationship is very useful for increasing the software reuse and [interoperability].
Page 88, line 22	A customer applet which supports customer ordering GUI including pre-order, SLA negotiation and firm order.
page 81, line 14	Support for pre-order requests-a pre-order request allows the service provider to plan for the service and network [resource requirements and to issue a proposal to the customer.]
page 81, lines 17-18	[Having a] situation with several dozens of providers involved in an offer will not be unusual. Automation and real time capabilities [are paramount when the number of parties involved increases.]
page 86, line 11	Workflow is shown here to illustrate the monitoring of stages associated with the service provisioning process.
page 85, Fig. A	Not excerpted.
page 86, line 3	[The message diagram is closely] related to the object life-cycle, i.e., the message diagram triggers the creation/deletion of the objects and the change of [states of the objects].

The examiner determined from these excerpts that Chen disclosed a circuit management component comprising instructions for creating a hierarchal list comprising ICP on-net circuit assignments and off-net circuit assignments and a cutover work plan.

While Chen describes a “requirement” of being able to deal with dozens of providers in an automated fashion (page 81, lines 17-18), Chen does not enable the implementation of this objective. As previously noted, the abstract describes only a set of business processes. The excerpt from page 87, line 13 mentions software, but in the context of “using the same interface definition between the customer to SP and between SP to SP.” The interface software is not software for creating a hierarchal list of circuits.

The architecture of an implementation of the requirements set forth by Chen is illustrated in Figure 7 and 8. The components of a “demonstrator” are described on page 87 beginning at line 18 in conjunction with Figure 7. At start up, an SP server registers with a trader and services that are available for resale by the trader. A service provider client submits a service information request to the Trader and is supplied with the information held by the trader. The service

provider client then provides the services information to the client. This process description does not teach how a service provider (or an ICP as used in the limitation discussed here) manages its inventory of services. Rather, the process focuses on a transactional flow by which services may be acquired by one service provider from another. By contrast, the circuit management component of claim 1 is directed to the management by a service provider of the services that are in the inventory of the service provider. Not only does this limitation recite creating a hierarchical list of assignments, but recites instructions for automatically receiving requests from trading partners of the service provider and either rejecting or adding these requests to the hierarchal list.

The message flow of Figure A is also directed to a transaction operation. The exchange of messages is responsive, not automatic. That is, the transactional process is initiated by the SP through the MSP-SP interface. By contrast, the process recited by Applicant in the limitation under discussion herein is automatic.

As the combination of Chen and Sadafi does not teach the limitation, "a circuit management component comprising instructions for creating a hierarchal list comprising ICP on-net circuit assignments and off-net circuit assignments; wherein said circuit management component further comprises instructions for creating a cutover work plan; wherein said circuit management component further comprises an automatic means of receiving requests from trading partners of the ICP; wherein said requests from trading partners are either rejected or inserted into said hierarchal list," of claim 1, claim 1 comprises a limitation not taught by the combination of Chen and Safadi. For this reason, a prima facie case of obviousness has not been established with respect to claim 1 and claim 1 patentable over Chen in view of Safadi.

**F. Claim 1 - Design Management Component Limitation**

Claim 1 of the present invention recites the following limitation (letters in brackets corresponding to the examiner's notation have been added for ease of reference):

[K] a design management component comprising instructions for automatically selecting a communications service model;

[L] decomposing said service model into sub-model components and creating a

communications design therefrom; and

[M] wherein said design management component further comprises instructions for automatically issuing service requests to ICP trading partners.

The examiner found that Chen taught this limitation. However, a closer examination of the Chen reference demonstrates that support in Chen for this finding is lacking. The references cited are set forth below:

Citation:	Text from Chen at citation:
Page 87, line 13	[Thus the strategy to treat the] customer-SP relationship as an instance of SP-to-SP relationship is very useful for increasing the software reuse and [interoperability].
page 82, line 18	This paper describes a design specification of the interface objects which are used for SP-to-SP Service Ordering.
page 85, lines 6-7	The design principle of this specification is to encourage interworking between different SPs, and avoid over-specifying behaviours.
page 88, lines 15-17	When messages and data from the client are received by the SPC, the SPC delegates to the various internal sub-processes. The workflow diagram is updated by the SPC at different stages to highlight the ordering life-cycle for a particular client.
page 81, lines 17-18	[Having a] situation with several dozens of providers involved in an offer will not be unusual. Automation and real time capabilities [are paramount when the number of parties involved increases.]
page 86, line 11	Workflow is shown here to illustrate the monitoring of stages associated with the service provisioning process
page 81, lines 32-33	[When a customer requires a service, the customer contacts a] service provider without knowing whether other service providers will be involved.
page 85, Figure A	Not excerpted.

The examiner determined from these excerpts that Chen disclosed a design management component comprising instructions for automatically selecting a communications service model, decomposing said service model into sub-model components and creating a communications design therefrom and instructions for automatically issuing service requests to ICP trading partners.

The design management component limitation is directed to the internal processing of transactional data. As discussed above, Chen does not purport to teach how transactions are processed.

Citing the excerpts from pages 87, 82, and 85, the examiner found the citations “infer a program module (component) for managing design comprising instructions for selecting a communications service model...” However, the software referred to on page 87, line 13 is the interface software, not software that processes information acquired via the interface. The cited language on pages 82 and 85 further describes the interface, not a program module. The cited language on page 85 actually teaches against the interpretation of the examiner as Chen acknowledges that it is not directed to specific behaviors.

The examiner found that Chen taught “decomposition of the service model into sub-model components and creating a communications design from the sub-model components” and cited language on page 88 (lines 15-17), page 82 (line 18), and page 85 (lines 6-7) in support of this finding. According to the examiner, Chen’s reference to “sub-processing” infers Applicant’s decomposing and design function. A closer look at the cited references demonstrates that this “inference” is misplaced. The citation at page 88, lines 15-17, is directed to the operation of the SP Server and the service provider client (SPC) interface object in particular. An SP object listens for new incoming Client login requests and starts an SP Client interface object to handle the client instance. The SP interface object also starts the SP user interface and the SP database and maintains control over the SPC Workflow. The “workflow” represents the tasks performed by the each of the client instances. A dedicated thread that is managed by SP client interface object handles each remote customer request. The thread interacts with the database and the remote client allowing the SPC to function in an asynchronous mode. The “internal processes” reference at page 88, lines 15-16 is directed to “messages and data from the client ... received by the SPC” and not to an internal processing performed by a system for supporting the management of an integrated communications provider. Chen simply does not teach selecting a communication service model, decomposing said service model into sub-model components and creating a communications design therefrom.

The examiner found that Chen also taught that the design management comprising

instructions for automatically issuing service requests to ICP trading partners. In reaching this conclusion, the examiner cited page 81, line 18, page 85, lines 6-7, page 81 lines 32-33, Figure 4, and Figure A. While page 81 suggests that automation is desirable, the citation does not describe what functions are to be automated and how that automation is to be accomplished. The examiner notes that Figure 4 shows an arrow from the MSP to the SSP marked "pre-order request" and Figure A shows an arrow from the MSP to the SSP marked "place an order." Both of these references suggest that the order being place is initiated by the MSP (Figure 4, action verb, "issue," and Figure A, action verb "place"). This flow is explained by Chen at page 81, lines 31-33:

When a customer requires a service, the customer contacts a service provider without knowing whether other service providers will be involved. The service provider makes contacts with all the different service provide[r]s (sic) required in providing this service. Chen at page 81, lines 31-33.

The transactional system described by Chen is not automated. Chen repeatedly disclaims that it is directed to post-processing of information that is transported over its interface. Thus, Chen fails to disclose the limitation

As the combination of Chen and Sadafi does not teach the limitation, "a design management component comprising instructions for automatically selecting a communications service model; decomposing said service model into sub-model components and creating a communications design therefrom and; wherein said design management component further comprises instructions for automatically issuing service requests to ICP trading partners," of claim 1, claim 1 comprises a limitation not taught by the combination of Chen and Safadi.

Based on the foregoing, a prima facie case of obviousness has not been established with respect to claim 1 and claim 1 is patentable over Chen in view of Safadi.

**G. Claim 1 - Design Management Component Limitation**

Claim 1 of the present invention recites the following limitation:

a gateway for transferring information to and receiving information from  
telecommunication service providers

The examiner acknowledged that Chen did not teach this limitation. The examiner found

this limitation in Safadi. Given the analysis provided above regarding Chen, Applicant restates its arguments presented in its Response to the Office Action of March 13, 2003, that there is no motivation to combine Chen and Safadi. Chen is directed to the construction of a transaction interface for the provision of services between telecommunication service providers. Safadi is drawn to the non-analogous (and, in this case, irrelevant) art of Television, as illustrated by its classification in class 348. Although Safadi uses terms such as “network,” “gateway,” “communicate,” “service,” and “provider,” it has nothing to do with the integration of communication service providers. The VIP’s (video information providers) are not communication service providers, but rather content providers for television services. In light of the more detailed analysis of the Chen reference presented herein, Applicant submits that the lack of motivation to combine these references is even clearer. Applicant further submits that to combine Safadi with Chen would not provide “a system with enhanced capability and extended functionality” because Chen is describing a general interface concept and does not, by its own terms, speak to the processing of information obtained using that interface. Chen is not about “extending functionality.”

As the combination of Chen and Sadafi do not teach the limitation, “a gateway for transferring information to and receiving information from telecommunication service providers,” of claim 1, claim 1 comprises a limitation not taught by the combination of Chen and Safadi. For this reason, a prima facie case of obviousness has not been established with respect to claim 1 and claim 1 patentable over Chen in view of Safadi.

#### **H. Claims 2-7**

Claims 2-7 of the present invention have been rejected under 35 U.S.C. §103(a) as being unpatentable over Chen in view Safadi. Claims 2-6 depend from claim 1. Claim 7 depends from claim 6. Applicant has demonstrated that claim 1 of the present invention recites limitations not taught by the combination of Chen and Safadi. Because claims 2-7 recite all of the limitations of claim 1, claims 2-7 are patentable over the cited references.

#### **I. Claim 8**

Claim 8 of the present invention has been rejected under 35 U.S.C. §103(a) as being unpatentable over Chen in view Safadi. Claim 8 recites the following limitations (letters in

brackets corresponding to the examiner's notation have been added for ease of reference):

8. A system for managing sales proposals of an integrated communications provider (ICP), said system comprising:

[A] a computer processor means for inputting and processing information necessary to the management of an ICP;

[B] a gateway for transferring information to and receiving information from telecommunication service providers;

[C] a pre-order management component comprising instructions for retrieving customer service records from telecommunication service providers and parsing said customer service records into reports containing equivalent ICP services;

[D] a design management component comprising instructions for selecting a communications service model;

[E] decomposing said service model into sub-model components and creating a communication services sales proposal therefrom;

[F] wherein subsequent versions of said sales proposal are automatically created subsequent to a request from a human operator for alternate communication service models;

[G] wherein said design management component further comprises instructions for automatically issuing service requests to ICP trading partners;

[H] wherein such requests to ICP trading partners comprise requests for local service request, assignment of telephone number request, assignment of Internet protocol address, and requests for data broadband services;

[I] wherein said design management component further comprises instructions for creating cutover reports subsequent to acceptance of a sales proposal by a customer;

[J] a service management component comprising instructions for creating and tracking work plans;

[K] wherein said work plans comprise a work activity event for performing installation or troubleshooting of each sub-model component of a telecommunications service provided by the ICP to a customer and;

[L] a circuit management component comprising instructions for creating a hierarchal list of ICP on-net and off-net circuit assignments.

The patentability of limitations [A], [B], [C], [D], [G], and [L] of Claim 8 of the present invention were discussed in detail by Applicant in response to the rejection of claim 1.

Applicant reiterates the arguments presented with respect to the aforementioned limitations as those arguments apply to the same or similar limitations of claim 8. Applicant submits that for

the reasons previously stated these limitations are not taught by the combination of Chen and Safadi.

As to limitation [E], Applicant reiterates its arguments directed to the design management limitation of claim 1 and submits that for the reasons previously stated this limitation is not taught by the combination of Chen and Safadi.

As to limitation [F], the examiner found that Chen taught the limitation that “subsequent versions of said sales proposal are automatically created subsequent to a request from a human operator for alternate communication service models” based on citations to Chen page 80, line 8; page 81, lines 7-9 read with page 81, lines 7-18, and page 87, line 2. The examiner equated “modeling” and “automating” with creating of a subsequent version of a sales proposal and cited page 81, lines 12-13 (word “negotiating”) as suggesting a request from a human operator. Again, the cited language is taken out of context. On page 80, at line 8, Chen is describing object modeling in the context of a transaction interface, not the modeling of communication services to be offered to a customer. On page 81, modeling is again used to refer to the service ordering requirements of the Chen transactional interface. The reference to “negotiating” on page 81, lines 12-13 describes the exchange of information inherent in any transaction. However, describing a process by which offers are exchanged does not teach a process by which offers are created. Chen, Figure 4, page 84, for example, illustrates a negotiation “interaction” but does not suggest how the content involved in the negotiation was developed. For these reasons, Applicant submits that this limitation is not taught by the combination of Chen and Safadi

As to limitation [I], the examiner has rejected this limitation on the same grounds as limitation “H” of claim 1. Applicant reiterates its arguments directed to limitation “H” of claim 1 and submits that for the reasons previously stated this limitation is not taught by the combination of Chen and Safadi.

As to limitation [J], the examiner has rejected this limitation on the same grounds as limitation “E” of claim 1. Applicant reiterates its arguments directed to limitation “E” of claim 1 and submits that for the reasons previously stated this limitation is not taught by the combination of Chen and Safadi.



As to limitation [K], the examiner has rejected this limitation on the same grounds as limitation "F" of claim 1. Applicant reiterates its arguments directed to limitation "F" of claim 1 and submits that for the reasons previously stated this limitation is not taught by the combination of Chen and Safadi.

As to limitation [L], the examiner has rejected this limitation on the same grounds as limitation "G" of claim 1. Applicant reiterates its arguments directed to limitation "G" of claim 1 and submits that for the reasons previously stated this limitation is not taught by the combination of Chen and Safadi.

Based on the foregoing, a prima facie case of obviousness has not been established with respect to claim 8 and claim 8 patentable over Chen in view of Safadi.

**I. Claims 9-14**

Claims 9-14 of the present invention have been rejected under 35 U.S.C. §103(a) as being unpatentable over Chen in view Safadi. Claims 9-14 of the present invention have been rejected under 35 U.S.C. §103(a) as being unpatentable over Chen in view Safadi. Claims 9-13 depend from claim 8. Claim 14 depends from claim 13. Applicant has demonstrated that claim 8 of the present invention recites limitations not taught by the combination of Chen and Safadi. Because claims 9-14 recite all of the limitations of claim 8, claims 9-14 are patentable over the cited references.

**J. Claim 15**

Claim 15 of the present invention has been rejected under 35 U.S.C. §103(a) as being unpatentable over Chen in view Safadi. Claim 8 recites the following limitations (letters in brackets corresponding to the examiner's notation have been added for ease of reference):

15. A system for managing sales proposals of an integrated communications provider (ICP), comprising:

[A] a computer processor means for inputting and processing information necessary to the management of an ICP;

[B] a gateway for transferring information to and receiving information from telecommunication service providers;

[C] a pre-order management component comprising instructions for retrieving customer service records from telecommunication service providers and parsing

said customer service records into reports containing equivalent ICP services;

[D] a design management component comprising instructions for selecting a communications service model;

[E] decomposing said service model into sub-model components and creating a communication services sales proposal therefrom;

[F] wherein subsequent versions of said sales proposal are automatically created subsequent to a request from a human operator for alternate communication service models.

The examiner rejected claim 15 based on the rationale used to support a rejection of claim 8. Applicant responds to this rejection by reiterating its arguments with respect to the patentability of claim 8. Applicant submits that for the reasons previously stated the limitations of claim 8 are not taught by the combination of Chen and Safadi.

Based on the foregoing, a prima facie case of obviousness has not been established with respect to claim 15 and claim 15 patentable over Chen in view of Safadi.

#### **I. Claims 16, 17 and 18-23**

Claims 16-23 of the present invention have been rejected under 35 U.S.C. §103(a) as being unpatentable over Chen in view of Safadi. Claims 16-22 depend from claim 15. Claim 23 depends from claim 23. Applicant has demonstrated that claim 15 of the present invention recites limitations not taught by the combination of Chen and Safadi. Because claims 16-23 recite all of the limitations of claim 15, claims 16-23 are patentable over the cited references.

### **CONCLUSION**

Applicant submits that if the Chen is read in context for what it teaches, Chen in combination with Safadi does not support the establishment of a prima facie case of obviousness with respect to claims 1-23 of the present invention. Applicant submits that there is no motivation to combine these references aside from the teachings of Applicant's disclosure and that combining these references is an impermissible exercise in hindsight. One skilled in the art attempting to solve the problem faced by Applicant would not have been motivated to combine Chen and Safadi. Even if combined, the references fail to teach all of the limitations of the pending claims.

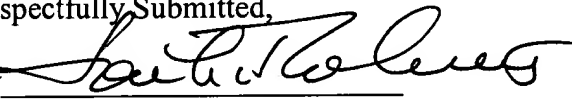
In view of the above information and remarks, Applicant respectfully requests

Appl. No. 09/748,837  
Amdt. dated March 19, 2004  
Reply to Office action of December 10, 2003

reconsideration of the current rejections. Applicant submits that based on the foregoing, claims 1-23 are allowable over the cited prior art. Applicant further requests that a timely Notice of Allowance be issued in this case. Should any further questions arise concerning this application or in the event the above amendments do not place the application in condition for allowance, Applicant respectfully requests a telephone interview. Attorney for the Applicant may be reached at the number listed below.

Respectfully Submitted,

By



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